

In the Matter of Merchant Mariner's Document No. Z-223605-D4R and
all other Seaman Documents
Issued to: John Joseph Grady

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1359

John Joseph Grady

this appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

By order dated 9 March 1962, an Examiner of the United States Coast Guard at Galveston, Texas suspended Appellant's seaman documents upon finding him guilty of misconduct. The eight specifications found proved allege that while serving on three different ships when acting under authority of the document above described, on various dates during 1961, Appellant, on four occasions, failed to perform his duties or was unable to perform his duties due to intoxication; he used offensive language near female passengers, threatened the Second Mate, disobeyed an order of the Master, and failed to join his ship until it was en route to sea.

At the hearing, Appellant voluntarily elected to act as his own counsel. Appellant entered a plea of guilty to three of these specifications and not guilty to the other five. Several additional specifications were dismissed by the Examiner.

The Investigating Officer introduced in evidence entries in the Official Logbooks of the three ships in order to prove the allegations to which Appellant pleaded not guilty. Appellant did not desire to submit evidence.

At the end of the hearing, the Examiner concluded that the charge and eight specifications had been proved. He then entered an order suspending all documents, issued to Appellant, for a period of six months outright plus six months on eighteen months' probation.

On appeal, Appellant requests leniency because going to sea is his only livelihood. The only issue raised concerning the merits of the case is the contention that Appellant was ill on 2 and 3 December 1961, the dates he was found guilty of having wrongfully failed to perform his duties on the 0800 to 1600 watch.

OPINION

The Examiner's evidentiary findings with respect to the eight offenses found proved are supported by the record and are incorporated herein by reference to the Examiner's decision of 9 March 1962.

Concerning the offenses on 2 and 3 December 1961, Appellant was serving on the AMERICAN TRADER at Salvador, Brazil. There is evidence in the ship's logbook that Appellant had received medical treatment as late as 20 November 1961 at Rio de Janeiro but there is no reference to any later treatment. The logbook states that, on 2 December, Appellant failed to report for his 0800 to 1600 watch and, on 3 December, he was ashore in custody of the police most of the day. This seems inconsistent with the claim that his failure to perform duties on these two dates should be excused on the basis of illness.

Most or all of the offenses stemmed from Appellant's intoxication while the ships were in port. There is evidence of similar offenses connected with intoxication in Appellant's prior record. Under these circumstances, it is my opinion that the order imposed by the Examiner was lenient and it will not be modified. The apparent harshness of this statement, made in the face of Appellant's point on appeal that this is his only livelihood, is alleviated by his statement at the hearing that Appellant worked six years for a newspaper after he started going to sea about 1939.

ORDER

The order of the Examiner dated at galveston, Texas, on 9 March 1962 is AFFIRMED.

E. J. Roland
Admiral, United States Coast Guard
Commandant

Signed at Washington, D. C., this 11th day of December 1962.